

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

David Bacchus, #315173,)
Plaintiff,) Civil Action No. 6:10-2857-HMH-KFM
vs.)
South Carolina Department of)
Corrections, et al.,)
Defendants.)

ORDER

This matter is before the court on the plaintiff's motion for a more definite statement (doc. 20). The plaintiff, a state prisoner who is proceeding *pro se*, filed this action pursuant to Title 42, United States Code, Section 1983, claiming that his constitutional rights have been violated. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983.

In his motion, the plaintiff requests that the court order the defendants to clarify their fifth, tenth, and eleventh defenses. The defendants oppose the motion, arguing it is inappropriate under Federal Rule of Civil Procedure 12(e), which provides: "A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." The defendant's answer is not a pleading to which a responsive pleading has been authorized by the court. Accordingly, the motion is improper. Furthermore, even if the motion were not improper, the defenses set forth by the defendants require no clarification.

Wherefore, based upon the foregoing, the plaintiff's motion (doc. 20) is denied.

IT IS SO ORDERED.

January 26, 2011
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge